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RESOLUTION NO. 08-62

A Resolution of the Albany City Council Urging the State of California to Repeal Preemption of Local Regulation of Pesticides

WHEREAS, In 1979 Mendocino County sought to ban the use of aerial spraying of herbicides within its borders when drift from pesticides applied by private industry caused toxic chemicals to drift onto local school buses; and,

WHEREAS, In 1984 the State of California adopted a law that prohibits local government from regulating the registration, sale, transportation, or use of pesticides; and

WHEREAS, In 1991, the U.S. Supreme Court ruled that, absent state law to the contrary, federal pesticide law does not preempt local regulations dealing with the use of pesticides (*Wisconsin Public Intervenor v. Ralph Mortier*), and,

WHEREAS, In that case, the U.S. Supreme Court ruled that the Federal Insecticide Fungicide Rodenticide Act (FIFRA) leaves local regulation of pesticides in the hands of local authorities under existing state laws; and,

WHEREAS, California law prohibits local ordinances regulating pesticides, thus making the aforementioned 1991 U.S. Supreme Court decision irrelevant in California; and,

WHEREAS, the City of Albany has adopted an Integrated Pest Management ordinance that restricts or and seeks to eliminate pesticide use on city property and wishes to retain the right to freely adopt regulations regarding pesticide use in its jurisdiction;

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the Albany City Council: Urges the Legislature of the State of California to repeal the local government preemption of controls on pesticides as stated in the California Food and Agriculture Code Section 11501.1; Supports re-establishment of the right of local governments to adopt pesticide regulations that are stricter than state laws; Will work with other California cities and counties to reform state pesticide practices to limit or eliminate use of pesticides and to overturn state preemption of local pesticide regulations.

ROBERT S. LIEBER
MAYOR